RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
235 Promenade Street, Providence, RI 02908-5767 TDD 401-222-4462

August 29, 2005

CERTIFIED MAIL

Mr. Edward S. Szymanski, P.E.
Associate Chief Engineer, Office of Environmental Programs
Rhode Island Department of Transportation
Two Capitol Hill
Providence, Rhode Island 02903

RE: I-95 Relocation Project - Contract 8
RIPDES Permit No. RI0023698

Dear Mr. Szymanski:

Enclosed is your final Rhode Island Pollutant Discharge Elimination System (RIPDES) Permit. State regulations, promulgated under Chapter 46-12 of the Rhode Island General Laws of 1956, as amended, require this permit to become effective on the date specified in the permit. Also enclosed is information relative to hearing requests and stays of RIPDES Permits.

We appreciate your cooperation throughout the development of this permit. Should you have any questions concerning the permit, feel free to contact Joseph Haberek, P.E. of the State's RIPDES Staff at 401-222-4700, extension 7715.

Sincerely,

Eric A. Beck, P.E.
Supervising Sanitary Engineer

EAB:JBH/jbh

Enclosures

cc: EPA Permits Branch, Region 1
Annie McFarland, DEM
Margaret Bradley, DEM
Emily Holland, DOT
Kenneth McDermott, VHB, Inc.

RESPONSE TO COMMENTS

NO SIGNIFICANT COMMENTS WERE RECEIVED ON THE DRAFT PERMITS FOR THESE FACILITIES; THEREFORE, NO RESPONSE WAS PREPARED.

HEARING REQUESTS

If you wish to contest any of the provisions of these permits, you may request a formal hearing within thirty (30) days of receipt of this letter. The request should be submitted to the Administrative Adjudication Division at the following address:

Bonnie Stewart, Clerk
Department of Environmental Management
Office of Administrative Adjudication
235 Promenade Street, 3rd Floor
Providence, Rhode Island 02908

Any request for a formal hearing must conform to the requirements of Rule 49 of the State Regulations.

STAYS OF RIPDES PERMITS

Should the Department receive and grant a request for a formal hearing, the contested conditions of the permit will not automatically be stayed. However, the permittee, in accordance with Rule 50, may request a temporary stay for the duration of adjudicatory hearing proceedings. Requests for stays of permit conditions should be submitted to the Office of Water Resources at the following address:

Angelo S. Liberti, P.E.
Chief of Surface Water Protection
Department of Environmental Management
Office of Water Resources
235 Promenade Street
Providence, Rhode Island 02908

All uncontested conditions of the permit will be effective and enforceable in accordance with the provisions of Rule 49.

AUTHORIZATION TO DISCHARGE UNDER THE
RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of Chapter 46-12 of the Rhode Island General Laws, as amended, the

Rhode Island Department of Transportation
Two Capitol Hill
Providence, RI 02903

is authorized to discharge from a facility located at

I-95 Contract 8
Allens Avenue west to Hoppin Street
and
Hospital Street south to Borden Street
Providence, RI

to receiving waters named

Providence River

in accordance with the effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on the date of signature.

This permit and the authorization to discharge expire at midnight, five (5) years from the effective date.

This permit consists of 7 pages in Part I including effluent limitations, monitoring requirements, etc. and 10 pages in Part II including General Conditions.

Signed this 29th day of August, 2005.

Angelo S. Liberti, P.E., Chief of Surface Water Protection
Office of Water Resources
Rhode Island Department of Environmental Management
Providence, Rhode Island

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date and lasting through permit expiration, the permittee is authorized to discharge from outfall serial numbers 001A (Final Construction Dewatering Discharge from Contract 8's Treatment System 1 – after the 2nd 3,000 lb Carbon Vessel) and 002A (Final Construction Dewatering Discharge from Contract 8's Treatment System 2 – after the 2nd 3,000 lb Carbon Vessel). Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations					Monitoring Requirement	
	Quantity - lbs./day		Concentration - specify units				
	Average Monthly	Maximum Daily	Average Monthly *(Minimum)	Average Weekly *(Average)	Maximum Daily *(Maximum)	Measurement Frequency	Sample Type
Flow	60,000 GPD	---				Continuous	Totalizer
1,2,4-Trimethylbenzene			5.0 ug/l		5.0 ug/l	1/Week	Grab
1,3,5 - Trimethylbenzene			5.0 ug/l		5.0 ug/l	1/Week	Grab
2-Butanone			125.0 ug/l		125.0 ug/l	1/Week	Grab
4-Isopropyltoluene			5.0 ug/l		5.0 ug/l	1/Week	Grab
Acetone			125.0 ug/l		125.0 ug/l	1/Week	Grab
Benzene			5.0 ug/l		5.0 ug/l	1/Week	Grab
Chloroform			5.0 ug/l		5.0 ug/l	1/Week	Grab
Ethylbenzene			5.0 ug/l		5.0 ug/l	1/Week	Grab
Isopropylbenzene			5.0 ug/l		5.0 ug/l	1/Week	Grab
MTBE			5.0 ug/l		5.0 ug/l	1/Week	Grab
n-Propylbenzene			5.0 ug/l		5.0 ug/l	1/Week	Grab
Naphthalene			5.0 ug/l		5.0 ug/l	1/Week	Grab
sec-Butylbenzene			5.0 ug/l		5.0 ug/l	1/Week	Grab
Toluene			5.0 ug/l		5.0 ug/l	1/Week	Grab
Trichloroethene			5.0 ug/l		5.0 ug/l	1/Week	Grab
Total Xylenes			15.0 ug/l		15.0 ug/l	1/Week	Grab

--- Signifies a parameter which must be monitored and data must be reported; no limit has been established at this time.

Samples taken in compliance with the monitoring requirements specified above shall be taken Monday through Friday at the following locations: midfluent 001A (between Contract 8's Treatment System 1 carbon vessels) and Outfall 001A (Final Construction Dewatering Discharge from Contract 8's Treatment System 1 – after the 2nd 3,000 lb Carbon Vessel) and midfluent 002A (between Contract 8's Treatment System 2 carbon vessels) and Outfall 002A (Final Construction Dewatering Discharge from Contract 8's Treatment System 2 – after the 2nd 3,000 lb Carbon Vessel).

2. a. The pH of the effluent shall not be less than 6.5 nor greater than 8.5 standard units at any time, unless these values are exceeded due to natural causes or as a result of the approved treatment processes.

   b. The discharge shall not cause visible discoloration of the receiving waters.

   c. The effluent shall contain neither a visible oil sheen, foam, nor floating solids at any time.

3. Discharge shall cease and the Office shall be notified immediately if any of the contaminants listed are found in the effluent (outfall 001A or 002A) above the limits listed in Part I.A.1. At a minimum, the notification shall include a summary of total flow, operation and maintenance activities, and any laboratory results. Written documentation of the immediate notification required above shall be submitted to the Office within five (5) days. The discharge may recommence once steps have been taken to ensure that the limits will not be exceeded again, and following approval by DEM. At a minimum, these steps shall include the replacement of either the first activated carbon filter for organic pollutants or the ion exchange filter for metals pollutants. If any of the organic pollutants listed are found in the midfluent (between carbon vessels) above the limits listed in Part I.A.1. The first activated carbon filter shall be replaced within twenty-four (24) hours of receiving the analytical results indicating the exceedance.

4. This permit does not authorize the discharge of ion exchange regeneration wastewater.

5. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

   a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

      (1) One hundred micrograms per liter (100 ug/l);

      (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitro-phenol; and one milligram per liter (1 mg/l) for antimony;

      (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 C.F.R. s122.21(g)(7); or

      (4) Any other notification level established by the Director in accordance with 40 C.F.R. s122.44(f) and Rhode Island Regulations.

   b. That any activity has occurred or will occur which would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

      (1) Five hundred micrograms per liter (500 ug/l);

      (2) One milligram per liter (1 mg/l) for antimony;

(3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 C.F.R. s122.21(g)(7); or

(4) Any other notification level established by the Director in accordance with 40 C.F.R. s122.44(f) and Rhode Island Regulations.

c. That they have begun or expect to begin to use or manufacture as an intermediate or final product or by-product any toxic pollutant which was not reported in the permit application.

6. This permit serves as the State's Water Quality Certificate for the discharges described herein.

B. DETECTION LIMITS

The permittee shall assure that all wastewater testing required by this permit, is performed in conformance with the method detection limits listed below (the EPA method is noted for reference, other EPA approved methods found in 40 CFR Part 136 may be utilized). In accordance with 40 CFR Part 136, EPA approved analysis techniques, quality assurance procedures and quality control procedures shall be followed for all reports required to be submitted under the RIPDES program. These procedures are described in "Methods for the Determination of Metals in Environmental Samples" (EPA/600/4-91/010) and "Methods for Chemical Analysis of Water and Wastes" (EPA/600/4-79/020).

The report entitled "Methods for the Determination of Metals in Environmental Samples" includes a test which must be performed in order to determine if matrix interferences are present, and a series of tests to enable reporting of sample results when interferences are identified. Each step of the series of tests becomes increasingly complex, concluding with the complete Method of Standard Additions analysis. The analysis need not continue once a result which meets the applicable quality control requirements has been obtained. Documentation of all steps conducted to identify and account for matrix interferences shall be submitted along with the monitoring reports.

If, after conducting the complete Method of Standard Additions analysis, the laboratory is unable to determine a valid result, the laboratory shall report "could not be analyzed". Documentation supporting this claim shall be submitted along with the monitoring report. If valid analytical results are repeatedly unobtainable, DEM may require that the permittee determine a method detection limit (MDL) for their effluent or sludge as outlined in 40 CFR Part 136, Appendix B.

Therefore, all sample results shall be reported as: an actual value, "could not be analyzed", less than the reagent water MDL, or less than an effluent or sludge specific MDL. The effluent or sludge specific MDL must be calculated using the methods outlined in 40 CFR Part 136, Appendix B. Samples which have been diluted to ensure that the sample concentration will be within the linear dynamic range shall not be diluted to the extent that the analyte is not detected. If this should occur the analysis shall be repeated using a lower degree of dilution.

When calculating sample averages for reporting on discharge monitoring reports (DMRs):

1. "could not be analyzed" data shall be excluded, and shall not be considered as failure to comply with the permit sampling requirements;

2. results reported as less than the MDL shall be included as values equal to the MDL, and the average shall be reported as "less than" the calculated value.

For compliance purposes, DEM will replace all data reported as less than the MDL with zeroes, provided that DEM determines that all appropriate EPA approved methods were followed. If the re-calculated average exceeds the permit limitation it will be considered a violation.

LIST OF TOXIC POLLUTANTS

The following list of toxic pollutants has been designated pursuant to Section 307(a)(1) of the Clean Water Act. The Method Detection Limits (MDLs) represent the required Rhode Island MDLs.

Volatiles - EPA Method 624		MDL ug/l (ppb)
1V	acrolein	10.0
2V	acrylonitrile	5.0
3V	benzene	1.0
5V	bromoform	1.0
6V	carbon tetrachloride	1.0
7V	chlorobenzene	1.0
8V	chlorodibromomethane	1.0
9V	chloroethane	1.0
10V	2-chloroethylvinyl ether	5.0
11V	chloroform	1.0
12V	dichlorobromomethane	1.0
14V	1,1-dichloroethane	1.0
15V	1,2-dichloroethane	1.0
16V	1,1-dichloroethylene	1.0
17V	1,2-dichloropropane	1.0
18V	1,3-dichloropropylene	1.0
19V	ethylbenzene	1.0
20V	methyl bromide	1.0
21V	methyl chloride	1.0
22V	methylene chloride	1.0
23V	1,1,2,2-tetrachloroethane	1.0
24V	tetrachloroethylene	1.0
25V	toluene	1.0
26V	1,2-trans-dichloroethylene	1.0
27V	1,1,1-trichloroethane	1.0
28V	1,1,2-trichloroethane	1.0
29V	trichloroethylene	1.0
31V	vinyl chloride	1.0

Acid Compounds - EPA Method 625		MDL ug/l (ppb)
1A	2-chlorophenol	1.0
2A	2,4-dichlorophenol	1.0
3A	2,4-dimethylphenol	1.0
4A	4,6-dinitro-o-cresol	1.0
5A	2,4-dinitrophenol	2.0
6A	2-nitrophenol	1.0
7A	4-nitrophenol	1.0
8A	p-chloro-m-cresol	2.0
9A	pentachlorophenol	1.0
10A	phenol	1.0
11A	2,4,6-trichlorophenol	1.0

Pesticides - EPA Method 608		MDL ug/l (ppb)
1P	aldrin	0.059
2P	alpha-BHC	0.058
3P	beta-BHC	0.043
4P	gamma-BHC	0.048
5P	delta-BHC	0.034
6P	chlordane	0.211
7P	4,4 ' -DDT	0.251
8P	4,4 ' -DDE	0.049
9P	4,4 ' -DDD	0.139
10P	dieldrin	0.082
11P	alpha-endosulfan	0.031
12P	beta-endosulfan	0.036
13P	endosulfan sulfate	0.109
14P	endrin	0.050
15P	endrin aldehyde	0.062
16P	heptachlor	0.029
17P	heptachlor epoxide	0.040

Pesticides - EPA Method 608		MDL ug/l (ppb)
18P	PCB-1242	0.289
19P	PCB-1254	0.298
20P	PCB-1221	0.723
21P	PCB-1232	0.387
22P	PCB-1248	0.283
23P	PCB-1260	0.222
24P	PCB-1016	0.494
25P	toxaphene	1.670

Base/Neutral - EPA Method 625		MDL ug/l (ppb)
1B	acenaphthene *	1.0
2B	acenaphthylene *	1.0
3B	anthracene *	1.0
4B	benzidine	4.0
5B	benzo(a)anthracene *	2.0
6B	benzo(a)pyrene *	2.0
7B	3,4-benzofluoranthene *	1.0
8B	benzo(ghi)perylene *	2.0
9B	benzo(k)fluoranthene *	2.0
10B	bis(2-chloroethoxy)methane	2.0
11B	bis(2-chloroethyl)ether	1.0
12B	bis(2-chloroisopropyl)ether	1.0
13B	bis(2-ethylhexyl)phthalate	1.0
14B	4-bromophenyl phenyl ether	1.0
15B	butylbenzyl phthalate	1.0
16B	2-chloronaphthalene	1.0
17B	4-chlorophenyl phenyl ether	1.0
18B	chrysene *	1.0
19B	dibenzo (a,h)anthracene *	2.0
20B	1,2-dichlorobenzene	1.0
21B	1,3-dichlorobenzene	1.0
22B	1,4-dichlorobenzene	1.0
23B	3,3 ' -dichlorobenzidine	2.0
24B	diethyl phthalate	1.0
25B	dimethyl phthalate	1.0
26B	di-n-butyl phthalate	1.0
27B	2,4-dinitrotoluene	2.0
28B	2,6-dinitrotoluene	2.0
29B	di-n-octyl phthalate	1.0
30B	1,2-diphenylhydrazine (as azobenzene)	1.0
31B	fluoranthene *	1.0
32B	fluorene *	1.0
33B	hexachlorobenzene	1.0
34B	hexachlorobutadiene	1.0
35B	hexachlorocyclopentadiene	2.0
36B	hexachloroethane	1.0
37B	indeno(1,2,3-cd)pyrene *	2.0
38B	isophorone	1.0
39B	naphthalene *	1.0
40B	nitrobenzene	1.0
41B	N-nitrosodimethylamine	1.0
42B	N-nitrosodi-n-propylamine	1.0
43B	N-nitrosodiphenylamine	1.0
44B	phenanthrene *	1.0
45B	pyrene *	1.0
46B	1,2,4-trichlorobenzene	1.0

OTHER TOXIC POLLUTANTS

Pollutant	MDL ug/l (ppb)
Antimony, Total	3.0 - EPA Method 204.2[1]
Arsenic, Total	1.0 - EPA Method 206.2[1]
Beryllium, Total	0.2 - EPA Method 210.2[1]
Cadmium, Total	0.1 - EPA Method 213.2[1]
Chromium, Total	1.0 - EPA Method 218.2[1]
Chromium, Hexavalent***	20.0 - Standard Methods 16th Ed., 312.B
Copper, Total	1.0 - EPA Method 220.2[1]
Lead, Total	1.0 - EPA Method 239.2[1]
Mercury, Total	0.2 - EPA Method 245.1[1]
Nickel, Total	1.0 - EPA Method 249.2[1]
Selenium, Total	2.0 - EPA Method 270.2[1]
Silver, Total	0.5 - EPA Method 200.9[1]
Thallium, Total	1.0 - EPA Method 279.2[1]
Zinc, Total	5.0 - EPA Method 289.1[1]
Asbestos	**
Cyanide, Total	10.0 - EPA Method 335.3
Phenols, Total***	50.0 - EPA Method 420.2
TCDD	**
MTBE (Methyl Tert Butyl Ether)	1.0 - EPA Method 524.2

* Polynuclear Aromatic Hydrocarbons
** No Rhode Island Department of Environmental Management (DEM) MDL
*** Not a priority pollutant as designated in the 1997 Water Quality Regulations (Table 5)

NOTE:

All MDLs have been established in accordance with the definition of "Detection Limits" in the DEM Water Quality Regulations for Water Pollution Control. Unless otherwise noted the MDLs have been determined in reagent water by the Rhode Island Department of Health, Division of Laboratories. The MDL for a given analyte may vary with the type of sample. MDLs which are determined in reagent water may be lower than those determined in wastewater due to fewer matrix interferences. Wastewater is variable in composition and may therefore contain substances (interferents) that could affect MDLs for some analytes of interest. Variability in instrument performance can also lead to inconsistencies in determinations of MDLs.

[1]Method detection limits for these metals analyses were determined by the USEPA. They are not contrived values and should be obtainable with any satisfactory atomic absorption spectrophotometer. To insure valid data the analyst must analyze for matrix interference effects and if detected treat accordingly using either successive dilution matrix modification or method of Standard Additions (Methods for Chemical Analysis of Water and Wastes EPA-600/4-79/020).

To help verify the absence of matrix or chemical interference the analyst is required to complete specific quality control procedures. For the metals analyses listed above the analyst must withdraw from the sample two equal aliquots; to one aliquot add a known amount of analyte, and then dilute both to the same volume and analyze. The unspiked aliquot multiplied by the dilution factor should be compared to the original. Agreement of the results within 10% indicates the absence of interference. Comparison of the actual signal from the spiked aliquot to the expected response from the analyte in an aqueous standard should help confirm the finding from the dilution analysis. (Methods for Chemical Analysis of Water and Wastes EPA-600/4-79/020).

For Methods 624 and 625 the laboratory must on an ongoing basis, spike at least 5% of the samples from each sample site being monitored. For laboratories analyzing 1 to 20 samples per month, at least one spiked sample per month is required. The spike should be at the discharge permit limit or 1 to 5 times higher than the background concentration determined in Section 8.3.2, whichever concentration would be larger. (40 CFR Part 136 Appendix B Method 624 and 625 subparts 8.3.1 and 8.3.11).

C. MONITORING AND REPORTING

1. Monitoring

All monitoring required by this permit shall be done in accordance with sampling and analytical testing procedures specified in Federal Regulations (40 CFR Part 136).

2. Reporting

Monitoring results obtained during the previous month shall be summarized and reported on Discharge Monitoring Report (DMR) Forms, postmarked no later than the 15th day of the month following the completed reporting period. A copy of the analytical laboratory report, specifying analytical methods used, shall be included with each report submission.

The first report is due on October 15th, 2005.

Signed copies of these, and all other reports required herein, shall be submitted to:

Electronic Computer Operator
RIPDES Program
Rhode Island Department of Environmental Management
235 Promenade Street
Providence, Rhode Island 02908

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
235 PROMENADE STREET
PROVIDENCE, RHODE ISLAND 02908-5767

STATEMENT OF BASIS

RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM (RIPDES) PERMIT TO DISCHARGE TO WATERS OF THE STATE

RIPDES PERMIT NO. **RI0023698**

NAME AND ADDRESS OF APPLICANT:

Rhode Island Department of Transportation
Two Capitol Hill
Providence, RI 02903

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

I-95 Contract 8
Allens Avenue west to Hoppin Street
and
Hospital Street south to Borden Street
Providence, RI

RECEIVING WATER: **Providence River**

CLASSIFICATION: **SB1{a}**

I. Proposed Action, Type of Facility, and Discharge Location

The above named applicant has applied to the Rhode Island Department of Environmental Management (DEM) for the issuance of a RIPDES Permit to discharge into the designated receiving water. As part of the Rhode Island Department of Transportation's (RIDOT's) relocation of the Interstate 195/95 merge, dewatering will be necessary at multiple locations where subsurface excavation will be completed for the construction of bridge piers or retaining walls. The discharge consists of treated groundwater from dewatering associated with the construction of these piers or retaining walls at Allens Avenue west to Hoppin Street and at Hospital Street south to Borden Street.

II. Limitations and Conditions

The effluent limitations and the monitoring requirements may be found in the draft permit.

III. Permit Basis and Explanation of Effluent Limitation Derivation

RIDOT is in the process of the relocation of the Interstate 195/95 merge. Dewatering will be necessary at multiple locations where subsurface excavation will be completed for the construction of bridge piers or retaining walls. The discharge will be treated using one of two identical treatment systems that both use a 21,000 gallon frac tank, followed by a bag filter, and two (2) 3,000-pound granular activated carbon vessels in series prior to discharge into the Providence River. This permit does not authorize the discharge of ion exchange regeneration wastewater.

Development of Rhode Island Pollutant Discharge Elimination System (RIPDES) permit limitations is a multi-step process consisting of the following steps: identifying applicable technology-based limits; calculating allowable water quality-based discharge levels based on in-stream criteria, background data and available dilution; assigning appropriate Best Professional Judgment (BPJ) limits; and setting the most stringent of these three (3) limits as the final limits. The following paragraphs outline the basis for each of the permit limitations.

DEM is required to consider technology and water quality requirements when developing permit effluent limits. Technology based treatment requirements represent the minimum level of control that must be imposed under Section 402 and 301(b) of the Clean Water Act (see 40 CFR 125 Subpart A) to meet Best Practicable Control Technology Currently Available (BPT), Best Conventional Control Technology (BCT) for conventional pollutants, and Best Available Technology Economically Achievable (BAT) for toxic pollutants. In the absence of technology based effluent limitation guidelines, DEM is authorized to use Best Professional Judgment (BPJ) to establish effluent limits, in accordance with Section 402(a)(1) of the Clean Water Act. Since the Environmental Protection Agency has not promulgated technology-based standards for this type of discharge, DEM has developed BPJ limits for the proposed discharge.

VOCs and SVOCs

Granular activated carbon (GAC) has been chosen by the permittee as the selected treatment technology. Properly designed and maintained GAC units have been proven to be able to remove VOCs and SVOCs to concentration below detection. However, experience with systems of mixed contaminants has shown that intermittent slugs of more easily retained contaminants may enter the system and displace less easily adsorbed contaminants like SVOCs. Also, laboratory and field contamination or instrument noise could cause false positives at the MDL. As a result, the DEM has determined that an effluent limitation equal to five (5) times that of the minimum detection limits for the organic pollutants of concern (1,2,4-Trimethylbenzene, 1,3,5 – Trimethylbenzene, 2-Butanone, 4-Isopropyltoluene, Acetone, Benzene, Chloroform, Ethylbenzene, Isopropylbenzene, MTBE, n-Propylbenzene, Naphthalene, sec-Butylbenzene, Toluene, Trichloroethene, Total Xylenes) would be achievable by the application of readily available treatment technologies. Furthermore, it has been determined that, since these BPJ limits are below the applicable water quality criteria, for both saltwater aquatic life and human health, from Appendix B of the Rhode Island Water Quality Regulations, they will be protective of the water quality of the receiving water. Therefore, BPJ limits of five (5) times the minimum detection limit have been assigned for these pollutants. It should be noted that these pollutants were identified as the only SVOCs and VOCs of concern since they were the only pollutants to be detected in the groundwater monitoring that was conducted in the area of the proposed construction dewatering.

DEM has determined that all permit limitations are consistent with the Rhode Island Antidegradation policy.

The permit also includes a requirement that the permittee shall cease discharge and the DEM shall be notified immediately if any of the contaminants listed are found in the effluent at concentrations above the applicable permit limits. Written documentation of the immediate notification required shall be submitted to the DEM within five (5) days and the discharge may recommence only after steps have been taken to ensure that the limits will not be exceeded again, and following approval by DEM. At a minimum, these steps shall include the replacement of the first activated carbon filter. The permit also requires that, if any of the organic contaminants are found in the midfluent (between carbon vessels) above the applicable limits, the first activated carbon filter shall be replaced within twenty-four (24) hours of receiving the analytical results indicating the exceedance.

The requirements set forth in this permit are from the State's Water Quality Regulations and the State's Regulations for the Rhode Island Pollutant Discharge Elimination System, both filed pursuant to RIGL Chapter 46-12, as amended. DEM's primary authority over the permit comes from EPA's delegation of the program in September 1984 under the Federal Clean Water Act.

The effluent monitoring requirements have been specified in accordance with RIPDES regulations as well as 40 CFR 122.41 (j), 122.44 (i), and 122.48 to yield data representative of the discharge. The remaining general and specific conditions of the permit are based on the RIPDES regulations as well as 40 CFR Parts 122 through 125 and consist primarily of management requirements common to all permits.

IV. Comment Period, Hearing Requests, and Procedures for Final Decisions

All persons, including applicants, who believe any condition of the draft permit is inappropriate must raise all issues and submit all available arguments and all supporting material for their arguments in full by the close of the public comment period, to the Rhode Island Department of Environmental Management, Office of Water Resources, 235 Promenade Street, Providence, Rhode Island, 02908-5767. Any person, prior to such date, may submit a request in writing for a public hearing to consider the draft permit to the Rhode Island Department of Environmental Management. Such requests shall state the nature of the issues proposed to be raised in the hearing. A public hearing may be held after at least thirty (30) days public notice whenever the Director finds that response to this notice indicates significant public interest. In reaching a final decision on the draft permit the Director will respond to all significant comments and make these responses available to the public at DEM's Providence Office.

Following the close of the comment period, and after a public hearing, if such hearing is held, the Director will issue a final permit decision and forward a copy of the final decision to the applicant and each person who has submitted written comments or requested notice. Within thirty (30) days following the notice of the final permit decision any interested person may submit a request for a formal hearing to reconsider or contest the final decision. Requests for formal hearings must satisfy the requirements of Rule 49 of the Regulations for the Rhode Island Pollutant Discharge Elimination System.

V. DEM Contact

Additional information concerning the permit may be obtained between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, excluding holidays from:

Joseph B. Haberek, P.E.
Department of Environmental Management
RIPDES Program
235 Promenade Street
Providence, Rhode Island 02908
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